

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 United States of America,  
5 Plaintiff  
6 v.  
7 Patricia Kern, et al.,  
8 Defendants

Case No.: 2:18-cv-00283-JAD-PAL

**Order Granting Stipulations, Extending  
Temporary Restraining Order, and  
Continuing Show-cause Hearing on  
Preliminary Injunctive Relief**

[ECF Nos. 8, 17]

9 The United States of America sues six individuals and 13 entities for injunctive relief  
10 under 18 U.S.C. § 1345, alleging that they have all schemed to defraud persons using the United  
11 States mail system in violation of 18 U.S.C. §§ 1341 and 1349.<sup>1</sup> The United States moved for a  
12 temporary restraining order against all of the defendants.<sup>2</sup> On February 20, 2018, I granted the  
13 United States' motion in part, issued an order restraining the defendants from engaging in  
14 specific activities, ordered the defendants to show cause, in writing, by February 27, 2018, why  
15 the temporary restraining order should not be converted into a preliminary injunction, and set the  
16 matter for hearing on March 5, 2018, at 3 p.m.<sup>3</sup>

17 Since the entry of this order, two of the individual defendants have stipulated to continue  
18 the show-cause briefing schedule and hearing, and to maintain the temporary restraining order in  
19 place pending that hearing, arguing that an extension is needed for them to properly prepare their  
20 responses and because they are engaged in settlement negotiations with the United States.<sup>4</sup> One  
21 of the individual defendants responded to the show-cause order with general denials based upon  
22 his Fifth Amendment right not to self-incriminate himself.<sup>5</sup> Two of the entity defendants

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24 <sup>1</sup> ECF No. 1.

25 <sup>2</sup> ECF No. 2.

26 <sup>3</sup> ECF No. 7.

27 <sup>4</sup> ECF Nos. 8, 17.

28 <sup>5</sup> ECF No. 9.


1 responded with general denials due to the potential for criminal prosecutions against them.<sup>6</sup>  
2 Another of the individual defendants responded that he has no objection to the temporary  
3 restraining order being converted into a preliminary injunction.<sup>7</sup> And none of the remaining  
4 defendants have timely responded in writing to the show-cause order or otherwise appeared in  
5 this case. Based on the foregoing, my prior finding that “most of the entity defendants appear to  
6 be shams,”<sup>8</sup> and good cause appearing,

7 IT IS HEREBY ORDERED that the stipulations to continue the briefing schedule and  
8 hearing on the order for defendants to show cause, in writing, why the temporary restraining  
9 order should not be converted into a preliminary injunction, and to maintain the temporary  
10 restraining order in place pending the hearing on that matter, **[ECF Nos. 8, 17] are GRANTED.**

11 IT IS FURTHER ORDERED that the show-cause hearing set for March 5, 2018, is  
12 **CONTINUED to April 24, 2018, at 3 p.m.** The time for defendants to respond to the show-  
13 cause order is **EXTENDED** to 5 p.m. on April 10, 2018. The time for the United States to reply  
14 to the show-cause order is **EXTENDED** to 5 p.m. on April 17, 2018.

15 IT IS FURTHER ORDERED that the time for the temporary restraining order [ECF No.  
16 7] to expire is **EXTENDED** to April 24, 2018, at 4 p.m.

17 Dated: March 2, 2018

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19 U.S. District Judge Jennifer A. Dorsey  
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26 <sup>6</sup> ECF Nos. 11, 13.

27 <sup>7</sup> ECF No. 16.

28 <sup>8</sup> ECF No. 7 at 4.